

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SOLOMON MAYER, on behalf of himself
and those similarly situated,

Civil Action No.: 1:21-CV-07206-EK-CLP

Plaintiff,

**DEFENDANT’S ANSWER TO
PLAINTIFF’S COMPLAINT**

v.

MRS BPO, LLC d/b/a MRS Associates,

Defendants.

DEFENDANT’S ANSWER TO PLAINTIFF’S COMPLAINT

Defendant MRS BPO, LLC (“MRS”), as and for its Answer to the Complaint of Plaintiff Solomon Mayer (“Plaintiff”), denies each and every allegation set forth therein unless otherwise specifically admitted herein or otherwise qualified and states and alleges as follows:

ANSWER TO INTRODUCTION

1. In response to paragraph 1 of the Complaint, MRS admits that Plaintiff purports to summarize, paraphrase and quote the referenced federal statute while denying any violation of such statute.

2. In response to paragraph 2 of the Complaint, MRS admits that Plaintiff purports to summarize, paraphrase and quote the referenced federal statute while denying any violation of such statute.

ANSWER TO JURISDICTION AND VENUE

3. In response to paragraph 3 of the Complaint, MRS admits that the statutes referenced ordinarily confer jurisdiction upon this Honorable Court but denies that it violated any law that would subject it to such jurisdiction.

4. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 4 of the Complaint and therefore denies the same.

ANSWER TO NATURE OF ACTION

5. In response to Paragraph 5 of the Complaint, MRS admits that Plaintiff purports to bring this on behalf of a putative class for violations of federal statute while denying any violation of such statute and denying that any class exists.

6. In response to Paragraph 6 of the Complaint, MRS admits that Plaintiff is requesting damages and declaratory relief, while denying any violations that would entitle Plaintiff to such relief.

ANSWER TO NATURE OF ACTION

7. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 7 of the Complaint and therefore denies the same.

8. In response to Paragraph 8 of the Complaint, MRS admits that while at times it may be a debt collection as that term is used in the FDPCA, it lacks sufficient information and knowledge as to Plaintiff and this debt and therefore denies the same.

9. MRS admits the allegations set forth in paragraph 9 of the Complaint.

10. MRS admits the allegations set forth in paragraph 10 of the Complaint.

ANSWER TO CLASS ALLEGATIONS

11. In response to paragraph 11 of the Complaint, MRS admits that Plaintiff brings this matter on behalf of a class, but denies that it violated any law and that such a class exists.

12. In response to paragraph 12 of the Complaint, MRS admits that Plaintiff brings this matter on behalf of a class, but denies that it violated any law and that such a class exists.

13. MRS denies the allegations set forth in paragraph 13 of the Complaint.

14. MRS denies the allegations set forth in paragraph 14 of the Complaint.
15. MRS denies the allegations set forth in paragraph 15 of the Complaint.
16. MRS denies the allegations set forth in paragraph 16 of the Complaint.
17. MRS denies the allegations set forth in paragraph 17 of the Complaint.
18. MRS denies the allegations set forth in paragraph 18 of the Complaint.
19. MRS denies the allegations set forth in paragraph 19 of the Complaint.

ANSWER TO CLASS ALLEGATIONS

20. In response to paragraph 20 of the Complaint, MRS restates its responses as set forth above.

21. MRS admits the allegations set forth in paragraph 21 of the Complaint, upon information and belief.

22. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 22 of the Complaint and therefore denies the same.

23. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 23 of the Complaint and therefore denies the same.

24. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 24 of the Complaint and therefore denies the same.

25. In response to paragraph 25 of the Complaint, MRS states that the debt was placed with it for collection.

26. MRS admits the allegations set forth in paragraph 26 of the Complaint.

27. MRS admits the allegations set forth in paragraph 27 of the Complaint

28. In response to paragraph 28 of the Complaint, MRS admits that a letter was sent to Plaintiff, the content of which speaks for itself, while denying any mischaracterization thereof.

29. In response to paragraph 29 of the Complaint, MRS admits that a letter was sent to Plaintiff, the content of which speaks for itself, while denying any mischaracterization thereof.

30. In response to paragraph 30 of the Complaint, MRS admits that a letter was sent to Plaintiff, the content of which speaks for itself, while denying any mischaracterization thereof.

31. In response to paragraph 31 of the Complaint, MRS admits that a letter was sent to Plaintiff, the content of which speaks for itself, while denying any mischaracterization thereof.

32. In response to paragraph 32 of the Complaint, MRS admits that a letter was sent to Plaintiff, the content of which speaks for itself, while denying any mischaracterization thereof.

33. MRS denies the allegations set forth in paragraph 33 of the Complaint.

34. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 34 of the Complaint and therefore denies the same.

35. In response to paragraph 35 of the Complaint, MRS admits that a letter was sent to Plaintiff, the content of which speaks for itself, while denying any mischaracterization thereof.

36. In response to paragraph 36 of the Complaint, MRS admits that a letter was sent to Plaintiff, the content of which speaks for itself, while denying any mischaracterization thereof.

37. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 37 of the Complaint and therefore denies the same.

38. MRS denies the allegations set forth in paragraph 38 of the Complaint.

39. MRS denies the allegations set forth in paragraph 39 of the Complaint.

40. MRS denies the allegations set forth in paragraph 40 of the Complaint.

41. MRS denies the allegations set forth in paragraph 41 of the Complaint.

42. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 42 of the Complaint and therefore denies the same.

43. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 43 of the Complaint and therefore denies the same.

44. MRS denies the allegations set forth in paragraph 44 of the Complaint.

45. MRS denies the allegations set forth in paragraph 45 of the Complaint.

46. MRS denies the allegations set forth in paragraph 46 of the Complaint.

47. MRS denies the allegations set forth in paragraph 47 of the Complaint.

48. MRS denies the allegations set forth in paragraph 48 of the Complaint.

49. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 49 of the Complaint and therefore denies the same.

50. MRS denies the allegations set forth in paragraph 50 of the Complaint.

51. MRS denies the allegations set forth in paragraph 51 of the Complaint.

52. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 52 of the Complaint and therefore denies the same.

53. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 53 of the Complaint and therefore denies the same.

54. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 54 of the Complaint and therefore denies the same.

55. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 55 of the Complaint and therefore denies the same.

56. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 56 of the Complaint and therefore denies the same.

57. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 57 of the Complaint and therefore denies the same.

58. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 58 of the Complaint and therefore denies the same.

59. MRS denies the allegations set forth in paragraph 59 of the Complaint.

60. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 60 of the Complaint and therefore denies the same.

61. MRS denies the allegations set forth in paragraph 61 of the Complaint.

62. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 62 of the Complaint and therefore denies the same.

63. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 63 of the Complaint and therefore denies the same.

64. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 64 of the Complaint and therefore denies the same.

65. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 65 of the Complaint and therefore denies the same.

66. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 66 of the Complaint and therefore denies the same.

67. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 67 of the Complaint and therefore denies the same.

68. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 68 of the Complaint and therefore denies the same.

69. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 69 of the Complaint and therefore denies the same.

70. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 70 of the Complaint and therefore denies the same.

71. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 71 of the Complaint and therefore denies the same.

72. MRS denies the allegations set forth in paragraph 72 of the Complaint.

73. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 73 of the Complaint and therefore denies the same.

74. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 74 of the Complaint and therefore denies the same.

75. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 75 of the Complaint and therefore denies the same.

76. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 76 of the Complaint and therefore denies the same.

77. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 77 of the Complaint and therefore denies the same.

78. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 78 of the Complaint and therefore denies the same.

79. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 79 of the Complaint and therefore denies the same.

80. MRS denies the allegations set forth in paragraph 80 of the Complaint.

81. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 81 of the Complaint and therefore denies the same.

82. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 82 of the Complaint and therefore denies the same.

83. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 83 of the Complaint and therefore denies the same.

84. MRS denies the allegations set forth in paragraph 84 of the Complaint.

85. MRS denies the allegations set forth in paragraph 85 of the Complaint.

86. MRS denies the allegations set forth in paragraph 86 of the Complaint.

87. MRS denies the allegations set forth in paragraph 87 of the Complaint.

88. MRS denies the allegations set forth in paragraph 88 of the Complaint.

89. MRS denies the allegations set forth in paragraph 89 of the Complaint.

90. MRS denies the allegations set forth in paragraph 90 of the Complaint.

91. MRS denies the allegations set forth in paragraph 91 of the Complaint.

92. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 92 of the Complaint and therefore denies the same.

93. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 93 of the Complaint and therefore denies the same.

94. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 94 of the Complaint and therefore denies the same.

95. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 95 of the Complaint and therefore denies the same.

96. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 96 of the Complaint and therefore denies the same.

97. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 97 of the Complaint and therefore denies the same.

98. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 98 of the Complaint and therefore denies the same.

99. MRS denies the allegations set forth in paragraph 99 of the Complaint.

100. MRS has insufficient information and knowledge to either admit or deny the allegations set forth in paragraph 100 of the Complaint and therefore denies the same.

101. MRS denies the allegations set forth in paragraph 101 of the Complaint.

102. MRS denies the allegations set forth in paragraph 102 of the Complaint.

ANSWER TO COUNT I

103. MRS restates and incorporates its responses as set forth above.

104. MRS denies the allegations set forth in paragraph 104 of the Complaint.

105. In response to paragraph 105 of the Complaint, MRS admits that Plaintiff purports to summarize, paraphrase and quote the referenced federal statute while denying any violation of such statute.

106. MRS denies the allegations set forth in paragraph 106 of the Complaint.

107. MRS denies the allegations set forth in paragraph 107 of the Complaint.

ANSWER TO COUNT II

108. MRS restates and incorporates its responses as set forth above.

109. MRS denies the allegations set forth in paragraph 109 of the Complaint.

110. In response to paragraph 110 of the Complaint, MRS admits that Plaintiff purports to summarize, paraphrase and quote the referenced federal statute while denying any violation of such statute.

111. MRS denies the allegations set forth in paragraph 111 of the Complaint.

112. MRS denies the allegations set forth in paragraph 112 of the Complaint.

ANSWER TO COUNT III

113. MRS restates and incorporates its responses as set forth above.

114. MRS denies the allegations set forth in paragraph 114 of the Complaint.

115. In response to paragraph 115 of the Complaint, MRS admits that Plaintiff purports to summarize, paraphrase and quote the referenced federal statute while denying any violation of such statute.

116. MRS denies the allegations set forth in paragraph 116 of the Complaint.

117. MRS denies the allegations set forth in paragraph 117 of the Complaint.

118. MRS denies the allegations set forth in paragraph 118 of the Complaint.

119. MRS denies the allegations set forth in paragraph 119 of the Complaint.

FIRST DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

All of MRS' actions have been in accordance with the FDCPA.

THIRD DEFENSE

Any violation of the FDCPA by MRS, which MRS denies, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.

FOURTH DEFENSE

Any violation of the law or damage suffered by Plaintiff, which MRS denies, was due to the affirmative actions and/or omissions of Plaintiff or others and does not give rise to any liability of MRS.

FIFTH DEFENSE

Any technical violation of the FDCPA was not material and therefore not actionable.

WHEREFORE, MRS prays for an order and judgment of this Court in its favor against Plaintiff as follows:

1. Dismissing all causes of action against MRS with prejudice and on the merits; and,
2. Awarding MRS such other and further relief as the Court deems just and equitable.

Dated: January 26, 2022

By /s/ Michael T. Etmund
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CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2022, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure and/or the District's Local Rules, and/or the District's Rules on Electronic Service, upon all parties of record.

Dated: January 26, 2022

By /s/ Michael T. Etmund
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